

**MINUTES**  
**WASHINGTON STATE JAIL INDUSTRIES BOARD MEETING**  
**November 21, 2003**

Criminal Justice Training Center  
19010 1st Avenue South  
Burien, Washington

**Members present:** Jeralita Costa, Ed Crawford, David Johnson, Bill Lehning, Andre Loh, Runette Mitchell-Marshall, Bruce Thompson, Julie Wilson, Marvin Wolff, Jill Will (staff), Shanica McClintock (staff)

**Members absent:** Mary Boehnke, Kenneth Kunes, Debra Latimer, Randy Loomans, Garry Lucas, Helen McGovern, Jim Powers, Howard Yarbrough

**Proxies Presented:** Dan Plotner for Jane Johnson

**Guests:** Joe Hennessey, Cowlitz County Corrections; Mark Raymond, Whatcom County Sheriff's Office

**A. Quorum Check**

Chair Marvin Wolff determined a quorum was present and called the meeting to order at 10:20 a.m.

**B. Approval of the Minutes: May 16, 2003 meeting**

Ms. Will indicated that there were no changes to the minutes. A motion to approve the minutes was made, seconded, and approved by unanimous voice note.

**C. Executive Director's Report**

Jill Will presented the Executive Director's report and there was discussion on some items.

Ms. Will introduced new staff member, Shanica McClintock, to the Board and the Board members introduced themselves.

Ms. Will announced that the 2002 Offender Work Report was finalized and ready for distribution. She will go through the Washington State Association of County Clerks for additional distribution to the judicial branch.

The JIB Video project is awaiting the completion of the Correctional Industries video project.

Ms. Will discussed the Sentencing Guidelines Commission report on regional jails. A draft report was released for comment in November. It did not contain any suggestions

about jail industries opportunities at a regional facility. Ms. Will will provide comments on this matter in hopes they will be incorporated into the final draft due in December.

Yakima County held a series of public events and issued press releases highlighting the success of jail industries programs. The efforts are tied in with space planning and siting for a new 1000 bed correctional facility. Plans include industrial and programming space. Yakima County is seeking private foundation grant funds to build the programming space. Optional expenses would be covered through the proceeds of an inmate commissary operation run as a jail industry.

Ms. Will asked Board members to review the full text of an Appeals Court decision in the matter of Stevens County versus the Department of Labor and Industries on a case regarding offender worker coverage.

**ACTION ITEM: Jill Will provide Board members with information on workers compensation volunteer coverage for counties that are self insured.**

## **NEW BUSINESS**

### **D. 2004 Jail Industries Board Meeting Schedule**

Board members established the 2004 meeting schedule as follows:

January 16, 2004 – Criminal Justice Training Commission

April 16, 2004 – Criminal Justice Training Commission

September 17, 2004 – Cowlitz County

November 19, 2004 – Criminal Justice Training Commission

Chair Marvin Wolff encouraged Board members to host meetings in their areas. Past meetings held with tours or site visits have proved to be very informative.

### **E. Supreme Court Hearing on Private Sector Inmate Employment**

Ms. Will gave an overview of the recent Washington Supreme Court oral arguments in a case on the constitutionality of the state Department of Corrections Prison Industries Enhancement Certification Program (*PIECP*) allowing private sector companies to employ offenders at wages comparable to those in the community and requiring coverage under social security and workers compensation. This was a rehearing. Last term the Court issued a ruling that private sector employment of offenders was constitutional and did not fall under prohibitions against “contracting out” inmate labor. It is unclear why the Court reheard the case, which is quite a rare occurrence. The Corrections Assistant Attorney General made a strong case for the Department but there was no clear indication which way a new decision would go.

**ACTION ITEM: Jill Will inform the Board when the Supreme Court renders its new decision on the *PIECP* program.**

#### **F. Clark County Request for Marketing Plan Assistance**

Sergeant Dan Plotner of the Clark County Sheriffs Office provided an overview of Clark County Jail Industries computer recycling operations. See his written summary attached. Sergeant Plotner went on to discuss negotiations with GenTech Computers about a possible private sector partnership which did not come to fruition. The Clark County offender population has been down in recent months and the current biggest challenge is to keep enough inmate workers available to process incoming products. The *CREAM* partnership has been expanded to include a local vocational school, Business Computer Training Institute (*BCTI*). *BCTI* will provide additional capacity in the testing and refurbishing of computers to be donated to local citizens.

Sergeant Plotner made a formal request that Ms. Will assist Clark County with developing a marketing plan to expand its electronic waste recycling industry. Ms. Will believed this request to be well within the scope of the Board's technical assistance responsibilities and could be done without charge. She recommended that the Board approve the request. The Board approved the request.

**ACTION ITEM: Jill Will work with Dan Plotner to develop the Clark County Jail Industries Marketing Plan.**

#### **G. Cowlitz County Salmon Recovery Project**

Joe Hennessey, Cowlitz County Work Crew Supervisor, provided an overview of the Abernathy Creek Watershed Riparian Restoration Project. Cowlitz County received a \$250,000 grant from the Salmon Recovery Funding Board to perform restoration work with an offender crew. These efforts are part of a much larger project that involved securing conservation easements from many private landholders in the watershed.

Board member Bill Lehning distributed pictures of the project area and provided additional information. Cowlitz County hopes to tie in apprenticeship opportunities with the watershed restoration program. He noted that the County requires apprenticeship participation on county and school district construction projects.

**ACTION ITEM: Bill Lehning provide Board members with Cowlitz County's resolution on apprenticeship participation.**

Commissioner Lehning also discussed plans for the new Cowlitz County Correctional Facility which will be constructed for \$13 million and be a 300 to 400 bed dormitory style facility. The new site will also have a 14 bed triage facility for individuals in need of "detox" services or mental health treatment. The existing jail will become a work crew facility.

#### **H. Whatcom County Corrections Update**

Lieutenant Mark Raymond of the Whatcom County Sheriffs Office provided an update on correctional issues in Whatcom County. The County's original plan of locating a facility on Port of Bellingham property fell through when County officials could not come to terms with Port officials on appropriate uses and restrictions for a facility. As an

interim measure, Whatcom County is seeking to establish a new facility that would co-locate a variety of functions including a 150 bed minimum security correctional facility, a new headquarters for the alternative corrections programs including space for seven existing offender work crews, space for jail industries, and a storage facility for elections equipment. Whatcom County has a long standing capacity problem at its main facility leaving it unable to house misdemeanor offenders who, consequently, are not being held accountable for their offenses. The interim facility would address this issue. Long term plans still call for siting a facility in the County that would house a new jail, courts, and county emergency management functions.

## **I. Criminal Justice Budget Priorities and Funding Options for the Board**

Board members discussed the overall funding situation in local criminal justice and its implications for the work of the Board. An extensive discussion followed on changes in King County sentencing practices that have been taking place since January 2003. Judges are sentencing offenders directly to alternatives to traditional jail incarceration. In this model the judges do not simply make an offender eligible; they actually sentence them to the program. This provides the County with at least some measure of judicial immunity since the Corrections Department is not making placement decisions. Corrections provides judges with pre-sentence information. To date there have been no significant problems with program participants despite there being no “pre-selection” of participants that the Department thinks would likely be most successful. The program has had a significant quantitative impact on jail bed usage, saving 400 beds.

The program, formerly called Day Reporting, has offenders reporting daily from 8:30 to 4:30. Program elements include GED preparation, chemical dependency treatment, domestic violence programming, STD/HIV education, Food Sense nutritional information, on-site mental health technicians, a computer lab, Work Source job information, and driver re-licensing information. Some Board members suggested that similar models may become more common in the future as budget pressures force other jurisdictions away from traditional incarceration and toward more alternatives.

An additional item discussed was the issue of offenders being cut off from medical coverage for treatment and medications upon being incarcerated. This has a major impact on corrections budgets. It also negatively impacts the offender because there is often a lengthy delay in re-establishing eligibility for benefits upon release. Offenders with mental illnesses often quickly end up back in the correctional system, in part due to lack of continuity in their care. Board members commented that corrections staff lack a comprehensive source of information on this important issue. It was suggested that this would make a very good research project for a student intern who could receive college credit for the work. Members also discussed that recidivism rate information would be a valuable research project to conduct.

**ACTION ITEM: Andre Loh provide Jill Will information about internship/service learning options through his community college.**

Following the review of city and county budget situations, Board members reiterated that Ms. Will and the Board should continue with current business plan priorities.

#### **J. Other Business**

None

#### **K. Adjournment**

There being no other business, Chair Marvin Wolff called for a motion to adjourn. It was moved, seconded, and the meeting was adjourned at 12:30 pm.

### **SUMMARY OF ACTION ITEMS**

**ACTION ITEM:** Jill Will provide Board members with information on workers compensation volunteer coverage for counties that are self insured.

**ACTION ITEM:** Jill Will inform the Board when the Supreme Court renders its new decision on the PIECP program.

**ACTION ITEM:** Jill Will work with Dan Plotner to develop the Clark County Jail Industries Marketing Plan.

**ACTION ITEM:** Bill Lehning provide Board members with Cowlitz County's resolution on apprenticeship participation.

**ACTION ITEM:** Andre Loh provide Jill Will information about internship/service learning options through his community college.